Directives

CPL 04-00-001 - CPL 2-0.102A - Procedures for Approval of Local Emphasis Programs (LEPs).

Directives - Table of Contents

- **Record Type:** Instruction
- **Directive Number:** CPL 04-00-001
- **Old Directive Number:** CPL 2-0.102A
- **Title:** Procedures for Approval of Local Emphasis Programs (LEPs).
- **Information Date:** 11/10/1999

OSHA INSTRUCTION

U.S. DEPARTMENT OF LABOR Occupational Safety and Health Administration

DIRECTIVE NUMBER: CPL 2-0.102A	**EFFECTIVE DATE:** November 10, 1999
SUBJECT: Procedures for Approval of Local Emphasis Programs (LEPs)	

ABSTRACT

Purpose: This instruction establishes procedures for the approval of Local Emphasis Programs.

Scope: OSHA-wide

References: OSHA Instructions:
CPL 2.25I,, Scheduling System for Programmed Inspections;
CPL 2-0.51J, Exemptions and Limitations Under the Appropriations Act
CPL 2.103, the Field Inspection Reference Manual (FIRM);
STP 2.22A, State Plan Policies and Procedures Manual;

Cancellations: OSHA Instruction CPL 2.102, March 28, 1994.

EXHIBIT B

State Impact: This Instruction describes a Federal Program Change for which

State adoption is not required (see Paragraph VI).

Action Offices: National, Regional, and Area Offices

Originating Office: Directorate of Compliance Programs

Contact: Russelle R. McCollough
U.S. Department of Labor - OSHA
200 Constitution Ave. NW - Rm. N-3603
Washington, DC 20210

By and Under the Authority of
Charles N. Jeffress
Assistant Secretary

TABLE OF CONTENTS

I. Purpose.

II. Scope.

III. References.

IV. Action Information.

V. Action.

VI. Federal Program Change.

VII. Definition.

VIII. Approval Procedures for LEPs.

- A. Area/District Office.
- B. Regional Office.
- C. National Office Units.
- D. Evaluations.

Appendix A Program Evaluation Items for Local Emphasis Programs (LEP's)

INDEX

I. **Purpose.** This instruction establishes procedures for the approval of Local Emphasis Programs (LEPs).

II. **Scope.** This instruction applies OSHA-wide.

III. **References.**

OSHA Instruction CPL 2.103, the Field Inspection Reference Manual (FIRM), September 26, 1994

OSHA Instruction STP 2.22A CH-2, State Plan Policies and Procedures Manual, January 29, 1990:

OSHA Instruction CPL 2.25I, Scheduling System for Programmed Inspections, January 4, 1995:

OSHA Instruction CPL 2-0.51J, Exemptions and Limitations Under the Appropriations Act, May 28, 1998:

IV. **Action Information.**

A. **Responsible Office**. General Industry Compliance Assistance

B. **Action Offices.** Regional, Area, and District Offices and State Plan States.

C. **Information Offices.** Consultation Project Offices.

V. **Action.** OSHA Regional Administrators, Area Directors, and National Office Directors will ensure that the guidelines and procedures for approval of Local Emphasis Programs set forth in this instruction are followed.

VI. **Federal Program Change.** This instruction describes a Federal program change for which State adoption is not required. States are asked to keep their Regional Administrators informed of State-developed local emphasis programs, experimental programs, local problem solving projects, etc., including any that relate to State Strategic Plan goals; and to coordinate with their Regional Administrator to request assignment of the appropriate IMIS identifier code.

VII. **Definition.**

Local Emphasis Programs (LEPs) are a type of Special Emphasis Program, as described in OSHA Instruction CPL 2.25I, in which one or more Area Offices of a Region participate. LEPs are generally based on knowledge of local industry hazards or knowledge of local industry injury/illness experience. Whenever one or more Area Offices of a Region targets inspections to a specific industry(ies), hazard(s), or other workplace characteristic(s) -- e.g., as part of or in conjunction with a local initiative or problem-solving project-an LEP must be developed and approved . LEPs may be originated at the Area Office/District Office level, or by the Regional Office.

LEPs may include targeting of employers with 10 or fewer employees, as long as they do not conflict with restrictions under congressional Appropriations Act riders as described in OSHA Instruction CPL 2-0.51J or successor guidance. All LEPs should involve one or more of the identified hazards or the targeted industries defined in the Agency's current Strategic Plan; exceptions to this rule must be specifically authorized by the Regional Administrator.

NOTE: Programs formerly defined as "Experimental Programs" are now redefined as LEPs, with approval authority at the Regional level.

VIII. **Approval Procedures for LEPs.** Regional Administrators are authorized to approve LEPs with the concurrence of the Regional Office of the Solicitor of Labor (RSOL). All LEPs will involve one or more of the three hazards or the five targeted industries defined in the Agency's Strategic Plan, unless specifically authorized by the Regional Administrator. The following procedures will apply:

A. **Area/District Office.** LEPs may originate at the Area Office/District Office level, or by the Regional Office. Area Directors will submit their LEP request to the Regional Administrator after completing the following:

1. Developing a Regional CPL Notice (directive) for the LEP. (Notices differ from instructions in that they remain in effect no longer than one year and carry a specific cancellation date.) The notice must conform to the guidelines for directives in OSHA Instruction ADM 8.1C.

2. Ensuring that the Regional directive contains:

    a. Appropriate documentation and rationale for the LEP.

    b. A list of establishments or a method of generating a list of worksites from available sources; e.g., Federal, State, and local agencies, National Directory, and Local Employer Industrial Classification Manual.

    c. A selection process to set forth administratively neutral criteria (e.g., random numbering system) to identify establishments for inspection. (See OSHA Instruction CPL 2.25I.)

    d. An evaluation component for determining the relative success of the LEP. (See Appendix A.)

    NOTE: If an LEP will target employers with 10 or fewer employees, the Regional directive must contain a statement explaining why it is appropriate for the LEP.

B. **Regional Office.** The Regional Administrator is authorized to approve LEPs requested by an Area Director/District Supervisor or developed by the Regional Office. When an LEP is developed by the Regional Office, the conditions outlined above at A.1. through A.2. must be met.

The following conditions will apply to the Regional Office:

1. For new LEPs, concurrence must be obtained from the RSOL with regard to the legal sufficiency of the proposed targeting system and procedures, i.e., whether neutrality requirements for inspection scheduling are met. The RSOL may address additional issues reflecting local experience in obtaining and enforcing compulsory process. LEPs proposed for renewal must also be submitted to the RSOL for concurrence, unless the renewed LEP is identical to its predecessor. (See Appendix A of this instruction, question 5.)

2. The Regional Administrator will ensure that the LEP is assigned an IMIS identifier code for Item 25c of the OSHA-1 Form by the Office of Management Data Systems prior to the start of the LEP. The request will be initiated by calling the Office of Management Data Systems.

3. The approval period will be no more than one year. LEPs may be renewed year-by-year, subject to the recommendations of the LEP evaluation.

4. The Regional Administrator must provide a copy of the implementing Regional directives for all approved LEPs (including the IMIS identifier code) to the RSOL, the Directorate of Compliance Programs and the Directorate of Construction if it applies to construction.

C. **National Office Units.**

1. The Directorate of Compliance Programs/Directorate of Construction shall:

    a. Keep copies of all LEPs and track them in all regions.

    b. Provide copies of LEP documentation to the Office of Management Data Systems.

    c. Provide technical assistance and advice to field offices in preparing LEP evaluation criteria and/or reports.

    d. Review annual LEP evaluation reports submitted by Regional Administrators and look for possible national applications of LEPs.

    e. Provide information on LEPs and LEP evaluation reports from other regions to Regional Administrators for their review regarding possible applications within the region.

    f. Provide copies of LEPs and evaluation reports, if requested, to other Regions.

    g. Provide overall direction and guidance in establishing Agency procedures for LEPs.

2. The Office of Management Data Systems will provide requested IMIS codes to Regional Administrators as soon as possible after receipt of the request.

D. **Evaluations.** The Regional Administrator must ensure that an evaluation of each LEP is completed and submitted to the Directorate of Compliance Programs and the Directorate of Construction (only if it applies to construction), no later than November 30th of each year in which the LEP is active.

1. The evaluation must, at a minimum, address the LEP's role in meeting goals of OSHA's Strategic Plan, such as:

    a. The number of employees covered

    b. Reduction in the number of injuries and illnesses.

    c. The number of workers removed from hazards.

    d. Reductions in employee exposures.

    e. Abatement measures implemented.

    f. Number of violations related to specific targeted hazards.

2. In addition, the evaluation must respond to the questions outlined in Appendix A of this Instruction.

Appendix A

Program Evaluation Items for Local Emphasis Programs (LEP's)

The program evaluations of LEPS required by this instruction shall address the following items:

1. What is the goal of the LEP? Briefly describe the purpose of the LEP (e.g., eliminate dangerous process(es), exposure to safety and health hazards, injuries/illnesses, or fatalities) and include any specifics that caused you to choose this program. How does it support OSHA's Strategic Plan?

2. In your opinion, did the LEP meet its goal?

   Indicate if the program was:

   * highly effective,
   * effective,
   * less than effective, or
   * ineffective.

   If this determination is not possible, indicate accordingly and briefly explain.

3. What data and information do you have to support your conclusion(s)?

   At a minimum, consider the following areas of information in making your response. Note that some of the subjects listed at 3.a. through g. will not apply to every LEP. Where a subject is clearly not applicable or no responsive information can be ascertained, this should be so noted in the evaluation.

   a. Enforcement statistics. Include:

      * Number of inspections;
      * Number of inspections in compliance;
      * Number of "no inspection" cases;
      * Percent of violations cited that are serious;
      * Number of employees covered by inspection;
      * Dollar amount of penalties assessed;
      * Percent of citations contested;
      * Number of significant cases;
      * Average violations per inspection; and
      * Any other data which may be relevant to supporting your conclusion.

   b. Significant and egregious cases:

      List and briefly describe all significant and egregious cases, if any.

   c. Serious hazards eliminated.

      In responding, consider important:

(1) Repeat violations.

(2) Hazards cited for a given employer that do not reappear once abated, such as hazardous airborne substances in an unventilated workplace area.

d. Evaluate and briefly comment on the overall list of standards cited to determine whether the LEP is addressing the goal.

e. Decline in occupational injuries, illnesses, and fatalities for the establishments covered by the LEP:

- Have injuries, illnesses, and/or fatalities declined in the Region because of the program?

- Did the program cause a reduction of specific injuries, illnesses and/or fatalities that are common to the covered industries?

f. Impact on covered, non-inspected employers (deterrent effect on employers):

Were covered employers who were not inspected aware of the LEP, and did they eliminate serious hazards targeted by the program? If so, briefly describe significant example(s).

NOTE: Information regarding a deterrent effect might be detected from outreach sessions, new constituency groups, informal conferences, and speech and information requests.

g. Impact on suppliers of production equipment (shadow effect on suppliers):

Were manufacturers of production equipment aware of the LEP, and did they respond by modifying their products to minimize employee exposure to occupational hazards? If so, briefly describe significant example(s).

4. Should the LEP be continued?

Answer "yes" or "no" and give a brief rationale.

5. Have any legal issues arisen that should be brought to the attention of RSOL if the LEP is to be proposed for renewal?

If "yes," describe them in sufficient detail for SOL to make a determination.

6. Are there any other comments or recommendations?

Consider any findings which might influence Regional or National OSHA programs and policies. Also, consider economic and technological factors impacting industries covered under the LEP, which could only be changed by revising the production process and would be beyond the employer's current financial capabilities.

INDEX

Abatement

Appendix

Approve

Area Office

Classification

Compliance

Directive

Employer

Enforcement

Evaluation

Exemptions

Federal Program Change

IMIS

Inspection

Integrated Management Information System

LEP

Local Emphasis Program

Regional Administrator

Regional Office

State

State Plan

Table of Contents
